UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.15/1997/3
5 March 1997

ORIGINAL: ENGLISH

COMMISSION ON CRIME PREVENTION
AND CRIMINAL JUSTICE
Sixth session
Vienna, 28 April-9 May 1997
Item 4 of the provisional agenda*

PROMOTION AND MAINTENANCE OF THE RULE OF LAW AND GOOD GOVERNANCE; ACTION AGAINST CORRUPTION

Action against corruption and bribery

Report of the Secretary-General

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*E/CN.15/1997/1.

V.97-21270T

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INTRODUCTION

1. In its resolution 1995/14 on action against corruption, adopted on the recommendation of the Commission on Crime Prevention and Criminal Justice at its fourth session, the Economic and Social Council requested the Secretary-General to report to the Commission on the implementation of that resolution. In the same resolution, the Council urged States to develop and implement anti-corruption measures, to increase their capacity to prevent and adequately control corrupt practices, and to improve international cooperation in this field. The Council also requested the Secretary-General, *inter alia*, to review and expand the manual on practical measures against corruption;[1] to coordinate and cooperate with other United Nations entities and relevant international organizations in the anti-corruption efforts; and to keep the issue of action against corruption under regular review.

2. Pursuant to the recommendation of the Council in its resolution 1996/8, adopted on the recommendation of the Commission at its fifth session, the General Assembly, in its resolution 51/59, adopted the International Code of Conduct for Public Officials annexed to the resolution, and recommended it to Member States as a tool to guide their efforts against corruption. The Assembly requested the Secretary-General to distribute the International Code of Conduct to all States and to include it in the manual on practical measures against corruption, to be revised and expanded pursuant to Council resolution 1995/14. The Assembly also requested the Secretary-General to consult with States and relevant entities in order to elaborate an implementation plan and submit it to the Commission at its sixth session, in conjunction with his report to be submitted pursuant to Council resolution 1995/14. The Assembly further requested the Secretary-General to continue to collect information and legislative and regulatory texts from States and relevant intergovernmental organizations, in the context of his continuing study of the problem of corruption.

3. The General Assembly, by its resolution 51/191, adopted the United Nations Declaration against Corruption and Bribery in International Commercial Transactions annexed to the resolution, and requested the Commission: (a) to examine ways, including through binding international instruments, without in any way precluding, impeding or delaying international, regional or national actions, to further the implementation of the resolution and the Declaration, so as to promote the criminalization of corruption and bribery in international commercial transactions; (b) to keep the issue of corruption and bribery in international commercial transactions under regular review; and (c) to promote the effective implementation of the resolution.

4. Recent developments have demonstrated that corruption is the monopoly of no particular type of society or government and has become increasingly a topic of debate and cause for serious concern. A large number of governmental and non-governmental agencies, as well as domestic, regional and international institutions, focus their attention on policies and measures that target the global problem of corruption. The United Nations is devoting substantial energy to developing proposals on practical steps that States can follow and to assisting States in their efforts to devise and implement strategies and reforms. In 1989, the Development Administration Division of the Department of Technical Cooperation for Development and the Crime Prevention and Criminal Justice Branch of the Secretariat* organized an interregional seminar at The Hague in collaboration with the Ministries of Foreign Affairs and Justice of the Netherlands. Its report included an overview of national responses to corruption and of emerging concerns and practical measures, as well as a set of priorities and recommendations.[2]

5. The Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Havana from 27 August to 7 September 1990, recommended, in its resolution 7, that States should revise existing legal mechanisms or devise new ones to prevent and respond adequately to all forms of corruption.[3] In the same resolution, it requested the Branch to offer practical assistance to requesting Member States in strategic planning, legal reforms, public administration, training of officials and assistance in the tendering of international aid projects. On the basis of the work and the recommendations of the Commission during the period 1992-1994, the issue of corruption was included in the programme of the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Cairo from 29 April to 8 May 1995, which devoted a special session to the subject and invited Member States to improve policy development, increase the use of bilateral or multilateral cooperation agreements and conduct more extensive research on corruption.**

6. Also of relevance in this connection was the Regional Ministerial Workshop on Follow-up to the Naples Political Declaration and Global Action Plan against Organized Transnational Crime, organized by the Division and hosted by the Government of Argentina, at Buenos Aires from 27 to 30 November 1995. Ministers from Latin American and Caribbean States undertook to promote the elaboration of integrated proposals for international cooperation and the transfer of technology needed in the fight against organized transnational crime and corruption (E/CN.15/1996/2/Add.1).

7. The United Nations is not alone in seeking to promote international cooperation and provide assistance to States considering reforms or the development of entirely new policies and measures. Other bodies active in this field include the Council of Europe, the European Union, the Organisation for Economic Co-operation and Development (OECD), the Organization of American States (OAS) and the World Bank. Non-profit organizations and think tanks are also participating in this endeavour.

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*The Crime Prevention and Criminal Justice Branch was upgraded into a division, pursuant to General Assembly resolution 40/214 of 23 December 1995.

**See *Report of the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Cairo, 29 April-8 May 1995* (A/CONF.169/16/Rev.1, paras. 245-261). The report will subsequently be issued as a United Nations sales publication.

8. As they all make valuable contributions in different ways, and given that corruption is a notoriously complex phenomenon, a pertinent question is to what extent their work is similar or compatible. In the context of multiple initiatives and reforms, it is essential to avoid discrepancies in anti-corruption measures adopted in various States or regions. For this reason, it is important to look into the types of conduct that are criminalized in various States. This would permit a better assessment of the general situation of corrupt practices around the world. This assessment will pave the way for an understanding of the current interest in the issue of corruption on a global level. The question is whether the level of interest is due to a higher incidence of corruption, higher awareness of corrupt practices, lower levels of tolerance in the post-cold-war era or a combination of all those factors. To the extent that corruption rates have increased, it would appear necessary to study the causes and facilitating conditions in order to examine more thoroughly new policies and tactics, as well as institutional and legal reforms with long-term consequences. It would then be possible to better appreciate the role, likely impact and wisdom of measures and radical changes that are put forward through international initiatives. Finally, the study of the latter initiatives should yield useful lessons on what common ground has been achieved and what bridges are yet to be built across national and regional borders. All this is indispensable, as the ultimate objective is to propose concrete steps and to implement action plans against corruption.

9. The present report is submitted to the Commission pursuant to General Assembly resolution 51/59 and Council resolution 1995/14. It reviews several anti-corruption initiatives taken by relevant international bodies and contains possible elements and modalities to implement the above-mentioned Assembly resolutions and to promote the International Code of Conduct.

10. The Crime Prevention and Criminal Justice Division of the Secretariat, with the assistance of the Government of Argentina, organized a meeting of experts from all regions at Buenos Aires from 17 to 21 March 1997 to consider ways and means of strengthening international cooperation in this field, as well as to offer suggestions on the revision and expansion of the manual. Its conclusions and recommendations, containing a preliminary plan for the implementation of the International Code of Conduct, are before the Commission.

I. OVERVIEW OF THE PHENOMENON

11. A growing awareness that corruption is a serious problem has galvanized support for an international and coordinated fight against it. In spite of this awareness, corruption remains a highly complex phenomenon. Conceptually, it is generally agreed that at the core of the problem lies some form of abuse of power. A generic conceptualization could be the abuse of public office for direct or indirect personal gain. Indirect personal gain would include benefits that someone secures improperly for his or her organization (for example, a company, a political party or a non-profit organization). Given the need for a common understanding of what is at stake and what kind of practices are to be eradicated, it is worthwhile to list several specific questionable or illegal acts that are criminalized in various States. The list is, of course, not exhaustive. This empirical approach towards corrupt practice would avoid culture-bound conceptions, thereby enhancing consensus-building and allowing anti-corruption efforts to gain further momentum.

12. All the offences dealt with below are frequently differentiated depending on whether the offender is a low-level or high-level official. Distinctions are also made on the basis of the gravity of the offence and the amounts involved. Systemic, large-scale and high-level corrupt practices are more severely punished. Nevertheless, all types and all levels of corruption need to be equally addressed and at the same time, since, the cumulative effect of petty corruption can be just as significant in monetary terms. In addition, it serves to maintain a culture that facilitates corruption, constantly frustrating and demoralizing the public.

A. Bribery

13. The penal laws of most countries include the offence of bribery, where private parties offer or promise money or advantages to officials in order to influence their decisions. Variations exist as to the attempt, promise, giving, solicitation or acceptance of a bribe (active and passive bribery). The crime of extortion generally consists in the demand of a benefit by an official. One of the main sources of recent global initiatives springs from the concern that public officials in many countries accept illicit payments or other advantages in order to extend contracts or offer business deals to particular corporations. The criminalization of the direct or indirect offer or actual giving of anything of value to a foreign official in order assist a company in its international business has become a model that may guide national lawmakers and multinational efforts. This offence is not a new concept, and involves little more than the extension of domestic bribery laws to cover bribery committed in a foreign country. The logic remains the same: no one should be required or allowed to exercise improper influence on the decision of officials in any jurisdiction. Another way in which such practices are dealt with is by resorting to unfair trade or anti-trust regulations. A company or individual that obtains a contract because of illicit payments has gained an unfair advantage over other competitors. Rules governing competition in domestic or international markets address this problem.

14. Some States equally criminalize and penalize the offeror and the recipient of bribes or other illegal payments. In some States the offence and the penalty are different, depending on whether public officials are or are not involved. In other States, such distinctions have no legal consequences. Also, laws cover the role of intermediaries, if the benefit was provided to a public servant through a nominee or agent.

B. Fraud

15. An alternative way of dealing with corrupt payments, especially in transactions between the private and public sectors, is through the crime of fraud (as is the case in the United Kingdom of Great Britain and Northern Ireland). When corrupt intentions cannot be proved easily or at all, it may still be possible to demonstrate beyond reasonable doubt that the overpricing of a project is due to the effort of a company to recuperate the cost of bribes. The same applies to cases of providing work of inferior quality than that specified in the contract, charging for goods or services never delivered, altering the specifications or the timing of completion etc.

C. Other illicit payments

16. Observers have often referred to "speed money", amounts paid to officials in order to expedite a decision-making or other process. In such cases, officials receive illicit benefits to do what they are supposed to do anyway. In certain cases, advantages are conferred or promised in order to cut the red tape. Although some might rationalize this practice by thinking that it is valuable and in the best interests of their community, such payments are commonly outlawed.

17. Another act worthy of consideration is the payment of money to politicians to influence not only their vote in parliament or committees of which they are members, but also for asking particular questions or raising issues. In democratic societies, such practices may be regarded as undermining the principle of one person, one vote, and of equality and fairness - those who do not have the means to influence the political process in this way will not be sufficiently listened to and their interests may not be adequately represented. An offence that may be used to prosecute many of the above-mentioned practices is that of trading in influence, which is currently being considered by the Council of Europe working group on criminal law.

D. Buying and delivering of votes

18. A related type of misconduct, also undermining democratic principles, is the direct or indirect purchase of votes. Those able and willing to pay voters to vote for them gain an unfair advantage over those who follow the rules and do not wish to or cannot resort to similar practices. This offence may be committed not only through direct payments, but also through "clientelism" and patronage, whereby favours and jobs may be offered only to those who voted for the official in power.

19. Votes may be delivered in the sense of accepting favours or other advantages from a public official or representative of a party to ensure that people over whom the deliverer has control in a geographical location, company or other organization will vote for the corrupt candidate.

E. Illicit political contributions

20. Some States disallow contributions to political parties or candidates, while others criminalize them when they exceed a certain amount or violate disclosure rules. Sometimes the contributions are outlawed only when they are made by certain categories of persons (for example, by foreigners). If the intention of the contributor is to exert undue influence on a political party or candidate, the offence of bribery can be used in the absence of specific laws regarding such contributions.

F. Abuse of power and breach of trust

21. A host of malpractices can be considered as examples of exploitation of a public office and abuse of power or breach of trust. They range from favouritism and illegal discrimination to abusing sensitive or confidential information. Extortionate demands may be made for favourable treatment or for simply not discriminating against a private person. Demands may include payments, gifts or sexual intimacy.

22. Abuses of power may take place in the process of liberalization of economies as State-owned companies are privatized. Opportunities exist in this process for officials intentionally to undervalue the price of a company, so that it is sold very cheaply to private interests. The value of the company and, consequently, the price of its shares may go significantly higher within a short period of time. Officials can then be rewarded in a variety of ways. Officials who have special knowledge about pending or not publicly announced decisions may commit insider trading, by engaging in commercial or business activity in an unauthorized and improper fashion on the basis of non-public information. For instance, they may buy the stock of companies that they know will be awarded a contract by the Government (the price of the stock is likely to go up when a big order is publicly announced, and corrupt officials can then sell the shares at a substantial profit). This trading, again, may occur through relatives, nominees or shell corporations. Inside knowledge may be abused by disclosing to a company representative the secret details of a competitor's bid for a public construction work. The company thus obtains the order by being able to prepare its own proposal with the advantage thus given. In this case, unfair competition laws may apply. The corrupt official may be given something of value in exchange. Some observers have noted the case of deferred bribery, a type of misconduct that is not easy to criminalize but worth considering because of its harmful effects. This type of bribery occurs when the official is simply given a very well-paid position in a company that he favoured while in office shortly after he retires from public service. Because the elements of bribery in such cases are hard to prove, some States have introduced, or are considering the introduction of, laws prohibiting officials from working for companies that they regulated, or which were involved in transactions with the officials' department while these officials were in office. Other States opt for a waiting period during which former officials cannot accept employment from entities in such cases as mentioned above - two or more years. Disallowing the use of "revolving doors" can help strengthen public perceptions of the integrity of their government and officials.

23. Officials with powers of control over revenue departments or social agencies have the opportunity to interfere improperly with the work of those bodies. They may orchestrate persecutions of political opponents, organizations or companies for ideological or profit-motivated reasons. They may direct the selective prosecution of certain offenders, or systematically turn a blind eye to other offenders. They may arbitrarily undercharge or overcharge taxes and duties on commercial transactions to the point of extortion. Obstruction of justice is an offence that may be used against officials who seek to hide or cover up such illegal activities by misdirecting investigations or destroying evidence. Such misconduct is often linked to the operation of illegal enterprises and markets - what is usually considered organized crime. The best-organized crimes are perpetrated discreetly, without risking scandals and public attention, and with the collaboration of officials. Whenever there is suspicion of serious drug trafficking, arms trafficking or other smuggling operations on a grand scale, it can be expected that the collusion and illicit enrichment of some official will be found. In dealing with such practices, legal tools used against organized criminal groups, such as the Racketeer Influenced and Corrupt Organizations (RICO) statute in the United States of America, may prove useful in the punishment of corrupt officials.

G. Misappropriation of public funds

24. The offences of abuse of power and breach of trust can also be used against practices that involve the misuse and misappropriation of public funds or resources. Public officials may divert public money to their accounts or those of a partner. Some autocratic rulers are known for the systematic looting of their countries' wealth. Additional offences that may be used in those cases include embezzlement and theft, both of which are quite common among Member States. States that apply currency restrictions and controls may use the violation of those rules to prosecute corrupt officials who export the proceeds of their illicit profits overseas. Other States may resort to laws prohibiting tax evasion, given that this illegal income is neither declared nor taxed. In the event that an official is unable to explain his or her net worth and level of spending, prosecutors may be able to use this as evidence of tax evasion.

H. Conflict of interest

25. Public officials have the obligation to be fair, impartial and efficient in their public roles. The legislation of many States provides that it is not appropriate for officials to make decisions significantly affecting companies in which they are shareholders or directors. Such conflicts, in some States, are outlawed entirely. In others, the officials must declare the conflict and withdraw from the decision-making process with respect to the area of potential conflict. In yet other States, mere disclosure of the conflict is considered sufficient to prevent improper decisions by an official. In those cases, non-disclosure of related interests is a punishable offence. The same would apply to violations of routine obligations of public servants to place their assets on public record (sometimes including the assets of their close family members).

I. Other facilitative offences

26. A number of offences found in the legislation of many countries are related to corruption in the sense that they either facilitate the commission of malpractices or the processing of illegal proceeds, or constitute a cover-up of the initial crime. These offences include the maintenance and use of slush funds, aiding and abetting, conspiracy, accounting offences, falsification or forgery of documents and the laundering of illicit proceeds.

II. CAUSES OF CORRUPTION AND ITS GROWTH

27. Although corruption has always existed, the international community is currently realizing certain key features of the phenomenon. The case of the Bank of Credit and Commerce International has epitomized the new type of corruption that transcends national borders and is closely linked with other criminal activities. Older stereotypes, shared equally by the public and policy makers, which had portrayed widespread and systemic corruption as prevailing under certain economic and social conditions, have been proved false. Scandals of equal dimensions and importance have afflicted developing and developed countries alike. More significantly, the investigation or adjudication process has revealed links between corrupt practices and organized crime on several occasions. A general conclusion that can be derived from a study of recent cases is that each socio-political and economic system produces its own version of corrupt practices, and that no system is completely corruption-free.

28. Several questions arise in connection with the increased interest in action against corruption at both the national and international levels. Is such interest due to the higher occurrence of corrupt practices, higher detection rates or lower levels of (public, official and business) tolerance? The available evidence suggests that the answer may lie in a combination of these explanations. If each of them is examined separately, it will be easier to understand not only the eruption of scandals, but also the explosion of anti-corruption sentiment and how the two are mutually reinforcing.

29. There are good reasons to believe that in a world of relative turmoil produced by radical changes in the post-cold-war era, there are new opportunities and incentives to engage in corrupt practices. Although characteristics of particular people can be found that make them more prone to misconduct than others, the problem of corruption is a problem of systems and institutions rather than one of individuals. The structural roots of corruption may be examined under four interrelated categories.

30. First, there may be monopolistic or oligopolistic situations, in which one or a handful of companies control a given market. The State may wish to engage private companies to perform specific tasks or public works or provide services. To the extent that only a very small number of companies can practically carry out the work, the ground is fertile for corrupt practices (such as overcharging, providing low-quality work or delivering the work late). Such a condition obtains, for example, in the field of defence projects. Indeed, with regard to defence projects, oligopolistic conditions may be desired: no one wishes to see the proliferation of certain types of weaponry or technology that affect both national and international security. In this field, then, it is warranted to devote special attention to transactions and to have special bodies overseeing them. In other cases, oligopolies may be created by rules requiring specific conditions that companies must meet for eligibility, or may be introduced by rules dictating preferential treatment for some companies (for example, domestic versus foreign). Analytically, the same type of situation arises when a party or regime monopolizes power and decision-making for very long periods.

31. Secondly, very wide discretionary powers in the hands of individuals or organizations can generate temptations and motives for corrupt practices. Whenever there are few or no mechanisms of checks and balances, people will have plenty of opportunities to take undue advantage of their power. Examples of this corruption-inducing situation are found in authoritarian regimes where powers are concentrated in the hands of very few persons. Another example is the power conferred to people with extremely specialized skills and knowledge. By definition, there are not too many of them, and therefore their powers are to a large extent unchecked. Again, the defence industry may be a concrete illustration of this situation. Additional examples of such a risk can be found in the fields of physics, medicine etc.

32. Thirdly, lack of transparency reduces the ability to control those in positions of authority. The lack of transparency may be caused by factors ranging from the banking secrecy to dictatorial regimes disallowing the

questioning of authority. The same problem arises as a result of rare and specialized skills and knowledge. If a given public work or special warship entails such complex and incomprehensible details that only a few individuals can understand the whole project, transparency is effectively lacking. Whenever regulations of a particular sector are unclear, ambiguous and technically complicated, reporters, the public and lay persons may be completely unable to exercise effective control. The regulation of agricultural subsidies, price supports and loan guarantees in many countries provides a good example of the problem.

33. Finally, the genesis of corruption may be analysed through the concept of asymmetries. Asymmetries are discrepancies or disjunctions that occur at the legal, administrative, cultural, economic or political level. Although they are either domestic or international, the latter are more consequential in a global community. Asymmetries are conducive to corruption both directly and indirectly through the creation of illegal markets that operate best with the collusion of authorities.

34. Examples of problematic legal asymmetries can be found in banking and tax regimes of different countries. This asymmetry invites many individuals and corporations to seek the most convenient jurisdiction to engage in certain transactions, even if that constitutes a violation of domestic laws. It also provides a shield against the discovery of corrupt practices. Another example is the differential treatment of bribes paid to foreign officials. It is a serious crime in some countries, but a tax-deductible business expense in others. This makes it easy for people to rationalize their corrupt practices as technical violations. Administrative asymmetries fuel the payment of speed money as well as clientage and patronage systems. When some administrations function better and faster than others, bottlenecks and frustrations will certainly generate motives and rationalizations for illicit payments to "get the job done" or avoid the unnecessary costs of delays.

35. Cultural asymmetries can be found, for example, between art-rich and art-collecting nations. As a result there may be illicit transfers of national treasures from their original site to artificial contexts and museums or galleries. The social organization of art theft is quite complex, and may include public officials in the country of origin as well as in that of final destination. A combination of legal and cultural asymmetries may lead to the concealment of the illicit origin of stolen art through States with lax laws in this matter, in a way reminiscent of money-laundering.

36. Economic and political asymmetries can produce systematic frustrations in large parts of the population. They underlie and fuel capital flight, as well as the smuggling of aliens into countries where a better future appears possible. In another way, such asymmetries foster attitudes justifying corruption as functional to local economies and as a way of redistributing wealth.

37. The globalization and liberalization processes of the 1990s have increased the number and types of such asymmetry, or they have generated more awareness of their existence. Therefore, the criminogenic effect can be expected to be higher during the 1990s than before. Law enforcement asymmetries are also increased, at least temporarily, as borders are being redefined or renegotiated in different parts of the world. Lofty expectations in former centrally planned economies are frustrated by disappointment and disillusionment. The wave of privatization processes offer considerable opportunities for misconduct and corruption. Technological advances have made the contact between different countries easier and faster, and this increases the possibility of clashes of traditions or lifestyles, as well as the feelings of relative deprivation. All these reasons suggest that the problem of corruption may indeed be greater now than before.

38. The momentum of democratization and economic liberalization processes fosters attitudes strongly opposed to discrimination and market distortions caused by corruption. Higher awareness and lower tolerance of the problem, combined with expected increases in the incidence of corruption, account for the intensity of debates and the large number of initiatives against this scourge. Large numbers of people have come to realize the real extent of its negative consequences. All the more so in developing countries, where it has hampered

national, social, economic and political progress. Where corruption involves the transfer of funds outside the country, it seriously undermines economic development. This in turn leads to political instability as well as poor roads, schools, medical services, lower education standards and the non-completion of projects. The way funds are allocated is distorted and inefficient; competent and honest citizens feel frustrated, and the general population's level of distrust rises. As a consequence, much foreign aid disappears, productive capacity is weakened, administrative efficiency is reduced and the legitimacy of political order is undermined.

39. The same effects, if somewhat less acute, can be found in industrialized countries. Individuals who wish to conduct their affairs fairly and honestly are demoralized and lose faith in the rule of law. Corruption breeds distrust of public institutions, undermines ethical principles by rewarding those willing and able to pay bribes, and perpetuates inequality. Economic competition is distorted and public funds are squandered. As institutional and market reforms may lose credibility in the eyes of the public, processes of democratization (which should eventually reduce inequalities and improve transparency and accountability) risk losing momentum.

40. Because of the substantial amounts involved in corrupt practices every year, the international financial system is also affected. The risks include what has been termed competitive deregulation, whereby jurisdictions seeking to attract these proceeds relax their regulations and enhance secrecy provisions. Money-laundering becomes an even more lucrative business with a potential corruptive effect, in turn leading to increased dependency of financial systems on such funds. International conflicts and tensions are another risk, as States attempt to repatriate some of the funds, institute extraterritorial investigations that may injure national pride or raise issues related to sovereignty, while others may be compelled to exert increased pressures on some States to amend their legislation and provide mutual assistance in corruption cases.

41. The global risks are even higher when links between corruption and organized crime become clearer. Several recent examples have highlighted how the illicit relationships between organized criminal groups and public officials have the potential to cause serious damage to the socio-economic structure of States.[4] It is essential to note that serious and profitable illicit activities - whether related to ancient sculpture, nuclear material, drugs, illegal aliens or prostitution - invariably rely at some point in time on the support of corrupt public officials. Corruption is a necessary condition for organized criminals to operate. The risk is that, because of the immense power that some groups command, organized criminals may come to acquire such great power that they would completely undermine and destroy institutions, with dire consequences for democracy and the rule of law.

42. In this context, it is a natural and understandable development that many international initiatives have been launched, aimed at the development of new instruments for the prevention and containment of this serious problem.

III. INTERNATIONAL INITIATIVES

A. World Bank

43. The World Bank has been assisting Governments in preventing corruption on various fronts. In economic policy reform, the World Bank is working to help Governments undertake economic, policy and regulatory reforms that discourage corruption and fraud. Through the reform of trade regimes and investment laws and the financial sector, States can mitigate the effects of "rent-seeking" by replacing administrative mechanisms (for example, export licences, foreign exchange and bank credit allocations) with market mechanisms. By helping States to simplify and strengthen tax systems and strengthen collection capacity, the World Bank contributes to the reduction of corruption in customs and tax administration. Providing assistance in regulatory reform, the

World Bank helps eliminate price controls, simplify government regulations, and strengthen the regulation of private and State-owned enterprises operating in non-competitive markets.

44. The World Bank is also assisting many developing and transition economies in managing the transfer of State-owned assets to private ownership. Because this transition presents corruption risks of its own, the World Bank works especially closely with Governments in order to make the process open and transparent. With respect to sector-specific policies, the design of policies in such areas as the environment and social services may create or discourage opportunities for corruption.

45. Another area of the anti-corruption strategy of the World Bank is concerned with building institutional strength inside and outside the public sector. In recent years there has been a rapid increase in the number of countries where the World Bank is assisting in the modernization of government budgeting, financial management, accounting and auditing systems. The World Bank is also assisting Governments with undertaking civil service reform. In public procurement, the World Bank works with Governments toward greater transparency and competition by providing assistance in drafting new procurement laws and regulations and training officials to implement them.

46. In order to guard against corruption in World Bank projects, the World Bank has established procedures for procurement, disbursement, reporting and auditing, on the basis of the principles of economy, efficiency and transparency. Recently, the Board of Executive Directors approved new loan document and procurement guidelines. The guidelines provide that the World Bank may cancel a loan if it determines that corrupt or fraudulent practices were engaged in by the borrower or beneficiary during procurement or during the execution of the contract without the borrower having taken timely and appropriate actions to remedy the situation. The guidelines also permit the World Bank to inspect accounts and records of suppliers and contractors relating to the performance of the contract, and to have a complete audit conducted by auditors appointed by the World Bank. Lastly, the World Bank may bar firms from contracts financed by the World Bank, either indefinitely or for a specified period of time if the World Bank determines that the firm engaged in corrupt or fraudulent practices in competing for, or in executing, a contract financed by the World Bank. In order to maintain the highest ethical standards among World Bank staff, long-standing staff rules on outside interests and disciplinary measures are being continually updated and reinforced.

B. Commonwealth Secretariat

47. The Commonwealth Law Ministers, meeting at Kuala Lumpur from 15 to 19 April 1996, adopted a statement on prevention of corruption, in which they recognized the threat posed by corruption to democratic institutions and good governance. The Law Ministers emphasized that measures that nurture the evolution of a democratic society, which is characterized by an independent judiciary, open government operating by way of transparent procedures, democratically constituted institutions, an adequately remunerated civil service and free and responsible media, should be protected and encouraged. In terms of the economic effects of corruption, it was noted that corruption in international business transactions and foreign aid projects can contribute to the initiation of unnecessary projects and to the diversion of funds and resources from projects that are vitally necessary. Ministers expressed approval of the work of OECD in addressing the fact that bribes paid by foreign businesses, particularly businesses from industrialized countries paying bribes that are often tax-deductible in their home countries, are conducive to the creation of corrupt cultures. The links that often exist between corruption, drug trafficking and organized crime were recognized, and the need for continuing and improved mutual legal assistance in investigations and prosecutions in relation to criminal offences emphasized. The Law Ministers expressed their collective commitment to work on both the domestic and international fronts to combat corruption.

48. The Law Ministers called upon the Commonwealth Secretariat, *inter alia*, to develop model legal strategies for combating corruption, including an appropriate legal framework that takes into account the increasing role of the private sector in the system of government. This would include the development of minimum standards for Commonwealth members in the form of a model integrity code.

C. Council of Europe

49. The Council of Europe has established a multi-disciplinary group on corruption, which continued its work in 1996. The working group on civil law is carrying out work towards a convention on civil remedies for compensation of damage resulting from acts of corruption.

50. The working group on criminal law is currently elaborating a draft convention on corruption. The draft framework convention against corruption[5] provides a springboard towards a convention that may be of considerable significance, since it takes into account the views and perspectives of numerous States and organizations.

51. In the draft framework convention, corruption is provisionally defined as "bribery and any other behaviour in relation to persons entrusted with responsibilities in the public or private sector, which violates their duties that follow from their status as a public official, private employee, independent agent or other relationship of that kind and is aimed at obtaining undue advantages of any kind for themselves or for others" (article 1). Each State party is called upon to take preventive and criminal measures at the domestic and international level to give effect to the framework convention. Under article 6, States parties undertake to ensure the independence of investigative bodies and the confidentiality of investigations; to lay down penal sanctions for corruption; to provide for the seizure and confiscation of proceeds from corruption; to ensure that companies are not used as "shields for the commission of corruption offences"; and to limit the instances in which immunity can block investigations. Under article 7, they undertake to promote specialized investigative bodies which could also collaborate with their counterparts in other countries. Under article 8, they undertake to ensure that their fiscal legislation and practice contributes to the prevention and punishment of corruption and not to allow tax deductibility of bribes or "other economic advantages linked to corruption". Other measures that are promoted include transparency in the area of public procurement and in the administration, the adoption of codes of conduct for elected and unelected officials, audit procedures and disciplinary measures against corruption. When it comes to elected representatives, States parties are to keep track of their assets and the assets of close family members and friends, as well as ensuring the transparency of the financing of political campaigns and parties. Freedom of the press, civil measures against corruption and restitution to victims, education of the public, research into corruption and training of those fighting it are also covered in the draft framework convention.

52. The working group on criminal law also recognizes the need to strengthen international cooperation and mutual assistance, to introduce proceedings facilitating the confiscation of proceeds of corruption, and not to treat corruption as a political offence. An expert body will be in charge of examining the implementation of the measures by the States parties.

D. European Union

53. Studies have established the existence of counter-productive divergences among the various national legal systems regarding both definitions of corruption and the list of persons subject to anti-corruption measures. For this reason, and in order to protect the interests of the European Union, the Member States agreed to the Protocol drawn up on the Basis of Article K.3 of the Treaty on European Union to the Convention on the Protection of the European Communities' Financial Interests.

54. The Protocol differentiates between active and passive corruption (offeror and recipient). Passive corruption refers to the request, receipt or acceptance of a promise about "advantages of any kind whatsoever, for himself or for a third party" (article 2). Active corruption refers to advantages given or promised directly or indirectly to an official, so that he or she acts or refrains from acting in breach of official duties in a way that is likely to damage the financial interests of the European Union. Member States are required to ensure that such conduct constitutes a criminal offence under their domestic laws. They also have to ensure that their laws cover actions by and against both national and European Union officials. Irrespective of any disciplinary sanctions already provided for, member States are required to introduce criminal penalties that are "effective, proportionate and dissuasive" (article 5). These should include custodial penalties that would give rise to extradition.

55. Jurisdiction is based on the principles of territoriality, nationality of the offender and nationality of the victim. In addition, when the offender is an employee of an institution of the European Union, the member State in which the institution is based also has jurisdiction over the case. Disputes between member States relative to the Protocol are to be resolved in the first instance by the Council of Ministers of the European Union. If no solution is found within six months, the parties may refer to the Court of Justice of the European Communities. The Court will also resolve any disputes between member States and the European Commission. In the light of the provisions of the Protocol, the Council of Ministers of the European Union drew up in November 1996 a draft convention on the fight against corruption involving officials of the European Communities or officials of States members of the European Union. This draft convention reinforces what has been already included in the Protocol on Corruption (the second protocol to the Convention on the Protection of the European Communities' Financial Interests) by reiterating its provisions concerning substantive aspects of corruption and measures to combat it.

E. Organisation for Economic Co-operation and Development

56. The council of OECD, in its Recommendation on Bribery in International Business Transactions, adopted on 27 May 1994, recommended that States members of OECD should "take effective measures to deter, prevent and combat the bribery of foreign public officials in connection with international business transactions". It further recommended that each member State should examine its criminal laws and, in conformity with its legal tradition, take steps to meet this goal. It instructed its Committee on International Investment and Multinational Enterprises, through its Working Group on Bribery in International Business Transactions, to examine specific issues relating to bribery in international business transactions, with a view to criminalizing such bribery.

57. Because prosecutors may have difficulty in proving some of the elements relating to the Recommendation, such as that the payment was destined to influence a business transaction, it was suggested that provision should be made to cover a simpler offence, under which the offer or the receipt by a public official of an "undue payment" would be outlawed. If the law upon which a prosecution of active corruption is based requires that the bribe should involve a breach of the official's legal duty, it will be necessary to refer to the law of the State of the recipient. This could eventually pose difficulties with respect to ascertaining and interpreting the laws of the foreign countries concerned.

58. In the absence of corporate criminal liability in many States, corporations may be liable to civil and administrative sanctions. Given the lack of common meaning of the term "public official", there are three ways of defining it, involving: an autonomous definition of a foreign public official; a reference to the definition retained by the State of the foreign recipient; and a definition by an international instrument. Because the territorial approach would not cover corruption committed by the nationals of a State if it is perpetrated entirely outside the State concerned, States adopting this principle may agree either to extradite nationals for prosecution abroad or to prosecute them as if the acts had occurred on their own territory (*aut dedere aut judicare*). The OECD Council also approved a new recommendation to re-examine tax rules with the intention of disallowing

the deductibility of bribes to foreign public officials. Analysis of the criminalization of bribery of foreign public officials resulted in a consensus that it is necessary to criminalize the bribery of foreign public officials in an effective and coordinated manner.

59. An OECD Symposium on Corruption and Good Governance held in March 1995 stimulated the interest of non-members in OECD work (Argentina and Bulgaria have requested to adhere to the OECD Recommendation). To follow up the Symposium, OECD also established an informal network to share information on anti-corruption activities among organizations such as the United Nations, the International Monetary Fund, the World Bank, the Council of Europe, the European Bank for Reconstruction and Development, OAS, regional development banks and others.

60. The OECD Public Management Service is conducting a comparative analysis of how ethics and conduct are managed in the public service in selected OECD member States. Programmes of the OECD Centre for Cooperation with Economies in Transition are assisting States of central and eastern Europe and the newly independent States to put in place systems that will help them to fight corruption.

61. OECD will continue to analyse specific issues related to international bribery, including accounting and auditing, the modalities for criminalization of bribery of foreign public officials, public procurement and commercial and competition law. It will also monitor the progress of its member States in implementing the 1994 Recommendation and the new recommendation on tax deductibility, and continue its outreach to non-member-States and the private sector.

62. The Committee on International Investment and Multinational Enterprises, through its Working Group on Bribery in International Business Transactions, completed a first examination of measures that could be used to combat bribery in international business transactions. The examination covered the criminal, civil, and commercial laws, administrative laws, accounting requirements, banking and financial provisions and laws and regulations relating to public subsidies and contracts of participating States. Although the information is still partial, it is the most complete survey done to date. It reveals a more positive situation regarding the potential reach of laws to the bribery of foreign public officials than was previously known. In a number of States, existing laws, including criminal laws, may apply, even though they do not specifically address the bribery of foreign public officials. States have made some progress in implementing the Recommendation, but further efforts are needed. Most participating States have established interministerial bodies to review national laws and regulations, and many are considering changes in order to extend their laws to cover international bribery. Particular attention is being given to the feasibility of amending criminal law provisions.

63. The OECD Committee on Fiscal Affairs summarized the current practices of member States, examined the related tax principles, and analysed the following two possibilities of using tax provisions to combat bribery of foreign officials: disallowing the tax deductibility of such bribes or subjecting them to disclosure conditions; and using cross-border exchange of tax information to discover and prosecute illegal bribery.

F. Organization of American States

64. The Inter-American Convention against Corruption (E/1996/99), adopted by OAS on 29 March 1996, treats the problem as institutional rather than individual, and the fight against the problem is considered as a process in which all actors (States, the private sector, the wider society and the international community) play an active role. The two main objectives are as follows: to promote the development of the necessary mechanisms for the prevention and punishment of corruption in each member State; and to promote, facilitate and regulate inter-State cooperation to prevent, detect and sanction acts of corruption in each State. It is recognized that repressive actions alone cannot solve the problem, and that preventive actions are needed, attention being paid to the modernization of institutions and the elimination of causes and facilitative factors. The fight against corruption

is conceived as a continuous, coordinated process, rather than the end result of independent, isolated and unconnected actions. The need to involve the wider society is recognized and citizens' participation is encouraged.

65. The Convention is the most important legal instrument at the inter-American level for the purpose of extraditing those who have committed corrupt practices. It is designed to assist investigators in overcoming the hurdle of bank secrecy, and to provide for a golden mean between attacking corruption and offering asylum, where appropriate; asylum, however, cannot be allowed to facilitate the avoidance of justice in cases of corruption. The use of corrupt income for political purposes cannot by itself provide the basis for qualifying the offence as political. Finally, the Convention also addresses the problem of commercial bribery in international transactions.

66. The Convention is complementary to other legal instruments, such as the Inter-American Convention on Mutual Assistance in Penal Matters, adopted in May 1992. However, the limitations of efforts in this field and the slow pace of implementation are exemplified by the fact that, as of May 1996, only one State had ratified the Inter-American Convention on Mutual Assistance in Penal Matters. Given the central importance of money-laundering to all illegal business, OAS has established a working group with the view to preparing a convention seeking to harmonize national legislation and international collaboration in this matter.

67. OAS attaches great importance to cooperation with United Nations entities, including, in particular, the Division of Public Administration and Development Management, the Crime Prevention and Criminal Justice Division, the United Nations Development Programme (UNDP), the International Law Commission, and with other international organizations, such as the Council of Europe, the European Union and OECD.

G. Assessment of international initiatives

68. The foregoing brief overview of international initiatives shows that there are some differences in scope and concrete measures or particular priorities.

69. More wide-ranging and comprehensive is the initiative at the Council of Europe, while OECD focuses on bribery of foreign officials in commercial transactions and the European Union on corruption of its own officials. OECD and the World Bank, in line with their mandates and objectives, are funding projects aimed at institutional reform (in public administration, as well as judicial and legislative bodies). Some specific measures, such as exchange of tax information, do not appear to command universal support.

70. Nonetheless, the above review demonstrates that common measures are beginning to emerge despite the lack of a universal definition and difficulties in dealing with corruption at the global level. Although each initiative has a different scope, a common objective is to outlaw, prevent and effectively punish practices that undermine the functioning of the economic system, competitive conditions in international markets and democratic principles of equality, transparency and accountability. States are invited to criminalize a set of specific acts according to their own legal systems and traditions. These acts are described and defined in ways that render them compatible and adaptable to each country. It has been seen that even existing laws can be adapted and reinterpreted without major difficulties to cover violations that take place on foreign soil. This approach reveals sensitivity to issues of sovereignty and respect for traditions in different parts of the world. At the same time, it shows that a common ground is taking shape as a result of the shared problems that corrupt practices represent for all States without exception.

71. All the initiatives recommend, albeit with different emphasis, a combination of penal, preventive, administrative, institutional and civil measures. Understanding and attacking the fundamental causes of the problem is an objective both in the Americas and in Europe. Emphasized in all projects is the need for

international coordination and collaboration in both penal and preventive efforts. There is common agreement to disallow the political offence exception to extradition for corrupt officials, to limit bank secrecy, to take the profits away from corrupt officials through fines, to confiscate illicit proceeds and to encourage citizens' participation and the freedom of the press. Technical assistance is offered, especially in connection with institutional reforms and modernization efforts. This is important because it underlines another common theme: the fight against corruption is a continuous process that requires constant monitoring and follow-up.

IV. ACTIVITIES OF THE CRIME PREVENTION AND CRIMINAL JUSTICE DIVISION

A. Overall promotion and follow-up of Economic and Social Council resolution 1995/14 and General Assembly resolutions 51/59 and 51/191

72. Pursuant to the adoption by the General Assembly of its resolution 51/59, the Secretary-General brought to the attention of all Member States the provisions of that resolution and the International Code of Conduct annexed thereto. In accordance with that resolution and with Council resolution 1995/14, the Division distributed the manual on practical measures against corruption to all relevant intergovernmental organizations, and sought their comments and contributions for the purpose of initiating the work required for the revision and expansion of the manual. On the occasion of the eleventh annual coordination meeting of the institutes comprising the United Nations Crime Prevention and Criminal Justice Programme network, held at Courmayeur, Italy, in October 1996, the Division informed the institutes of the provisions of the relevant resolutions, and invited them to contribute to the revision and expansion of the manual.

73. The Division coordinated with the Department for Development Support and Management Services of the Secretariat to bring to the attention of all Member States the adoption of General Assembly resolution 51/191 and the United Nations Declaration against Corruption and Bribery in International Commercial Transactions annexed thereto.

74. Five States (Austria, Cyprus, Malaysia, Singapore and Spain) had responded to the note verbale of the Secretary-General, expressing their support for the activities of the United Nations in the field of action against corruption. Cyprus and Malaysia submitted to the Division copies of their relevant legislation, which the Division has added to its collection of legislative and regulatory texts in this area. Austria indicated that the International Code of Conduct is essentially implemented in its legislation, although a number of legislative and regulatory texts may apply, rather than a single law. With regard to the implementation plan, Austria expressed the view that the Secretary-General should provide an outline or a basic framework of such plan, for comments and additions. It was assumed that the plan would largely depend on the requirements of States embarking on the implementation of the International Code of Conduct. In view of the availability of a number of finalized technical cooperation projects on action against corruption, care should be taken to integrate such projects into the implementation plan, also addressing resource requirements. Austria was of the view that the Secretary-General should present to the Commission at its sixth session a timetable for the elaboration of the plan, in addition to the above-mentioned outline or framework. Cyprus noted that the need to adopt codes of conduct for public officials had also been included in the Programme of Action against Corruption, adopted by the Committee of Ministers of the Council of Europe, mentioning also that the Committee of Ministers was in the process of elaborating a framework convention against corruption.

75. The Division has received very useful comments and material regarding the expansion and revision of the manual from the International Labour Office, the Asian Development Bank, the Commonwealth Secretariat, the Council of Europe and OECD, which will be taken into account in the related work currently under way.

76. The Division is also cooperating closely with the Inter-Parliamentary Union, with a view to addressing issues of mutual concern and exchanging experiences and expertise, particularly considering the intense interest of that organization in action against corruption and its ongoing work in this area.

77. Further, the Division continued to cooperate and interact with the scientific and research institutions involved in criminological activities, such as the International Society of Social Defence, which held its thirteenth international congress at Lecce, Italy, from 28 to 30 November 1996, on the theme of "Social defence, corruption, and the protection of public administration and the independence of justice". The international congress was an occasion to carry out an in-depth examination of available legislative options, whether in criminal, administrative or constitutional law, to prevent and control corruption and ensure fairness, equity and justice in both the public and private sectors.

B. Technical cooperation

78. Over the past year, the Division has made efforts to provide its technical cooperation services to requesting Member States to enable them to enhance their capacity to develop and pursue anti-corruption policies and strategies effectively and to combat corrupt practices and related activities.

79. In this connection, the Division undertook a number of needs assessment missions at the request of Member States (Angola, Gambia, Romania, Senegal, Sierra Leone, the former Yugoslav Republic of Macedonia and Togo). As a follow-up to those missions, five project proposals have been elaborated and are either awaiting funding or are in the first stages of implementation.

80. The first is aimed at strengthening the institutional capacity of Angola to prevent and fight corruption. The project accords high priority to the improvement of the effectiveness of Angolan legislation in combating activities related to corruption by introducing new and more effective measures. The project includes the provision of assistance in improving the capacity of Angola for international cooperation in criminal matters, mainly through promoting the harmonization of its various penal laws with those of other countries in the subregion. Further, the project includes practical measures such as establishing a national commission on corruption with the tasks of coordinating action and setting up a database in this field.

81. The aim of the second project is to provide advisory services and training to assist the Government of the former Yugoslav Republic of Macedonia in its efforts against corruption. The project also aims at elaborating anti-corruption legislation and envisages the introduction of basic concepts of community policing and the provision of training to improve police skills in the prevention and control of criminal activities related to corruption.

82. The objective of the projects for Gambia, Guinea and Sierra Leone is to build and strengthen the institutional mechanisms of those States for preventing and fighting corruption, initially through introducing new legislative tools, as well as setting up a national commission on corruption and an interministerial unit aimed at coordinating national and subregional efforts in the fight against corruption. The projects provide for assistance in facilitating cooperation within the subregion through the conclusion of agreements on extradition and mutual assistance with neighbouring countries. The projects also envisage a training programme for judges, prosecutors and law enforcement officers, as well as the provision of technical assistance for the establishment of a central database to store and retrieve relevant information on corruption activities to be run by the interministerial unit. Finally the projects seek to strengthen the exchange of information and experience between the States concerned and international agencies.

83. The project for Romania pursues the strengthening of the capacity of that State to prevent and fight corruption. In this context, the project accords high priority to the introduction of new legislation and

enforcement techniques, including the establishment of a national commission against corruption to coordinate national policies in this area. The project also focuses assistance on providing a training programme, as well as on the development of the capacity for the exchange of information and experiences.

84. As a follow-up to the signature of a memorandum of understanding with respect to the provision of technical assistance in the area of crime prevention and criminal justice between the Division and the Ministry of Justice of Bosnia and Herzegovina, the Division, in cooperation with Department for Development Support and Management Services and UNDP, has developed a project for strengthening the administration of justice in Bosnia and Herzegovina. One of the main objectives of the project is to provide advisory assistance on anti-corruption strategies, thereby strengthening the criminal justice mechanisms of the State in this particular area.

85. As a result of the new partnership between the Division and UNDP, a memorandum of understanding with the Regional Bureau for Eastern Europe and the Commonwealth of Independent States was signed in 1996. This memorandum of understanding will provide opportunities for joint needs assessment missions and fund-raising and the actual funding or co-funding of projects in crime prevention and criminal justice, particularly with regard to action against corruption.

86. In order to enhance its capacity to provide timely and practical assistance, the Division, in cooperation with the United Nations International Drug Control Programme, has begun the elaboration of model legislation against corruption. Revised and adapted to suit the local legal systems, practices and traditions, the model legislation could be used as an additional tool, together with the revised and expanded manual on practical measures against corruption and the International Code of Conduct for Public Officials, and could form the basis for joint activities with other relevant international organizations. The expert group referred to in paragraph 10 above is expected to provide input to the ongoing work of the Division in this area.

87. In view of the growing needs of States and the consequent increase in requests for technical assistance, the Division plans to continue developing operational activities in this area. In this context, the Division could collect and analyse national anti-corruption strategies, in order to elaborate compilations of best practices, which would form the basis for training programmes. Further, the Division could undertake the elaboration of comparative studies, which would assist States in designing, formulating and implementing joint strategies and collaborative arrangements to prevent and control corruption. The technical cooperation activities of the Division could also include model courses for universities and schools of business and public administration, as well as the provision of assistance in organizing public campaigns to promote good governance, for the purpose of enlisting public support for necessary anti-corruption resources and legislation. In addition, the Division could provide assistance in the establishment of special anti-corruption entities, including by elaborating feasibility studies and making available the required expertise. The need for such entities is of high priority, particularly in the case of transnational bribery and corruption, where the sensitive nature of the transactions, the usually high level of the officials involved and the diversity of sophisticated techniques for the transfer and concealment of the proceeds make detection of corrupt activities extremely difficult.

V. CONCLUSION

88. The phenomenon of corruption, in all its forms, has commanded such international attention and concern that it has led to an emerging consensus regarding the urgency of concerted action at all levels. The complex and often elusive nature of the phenomenon, as well as its increasingly evident and alarming links with other forms of criminal activities, warrant focused attention, continued commitment and unwavering political will. Solutions are not easy, particularly in view of the fact that addressing the phenomenon effectively in its numerous forms would require action at various levels and with diverse modalities, necessitating parallel and well-coordinated activities and interventions. As it has been noted, even though international organizations are

lending their help in fighting corruption through aid for democratic reform, more competitive economies and the improvement of governance, a more focused effort is needed, involving a systematic attack on systematic corruption.[6] This is a process whose constituent elements should be advanced at the same speed and with the same vigour at all levels, in order for success to be achieved. At the international level in particular, it appears essential to enhance the momentum for advancing international agreements and cooperation arrangements, while devoting the necessary energy and resources to creating an environment in which corrupt practices would no longer be tolerated.

Notes

[1]*International Review of Criminal Policy*, Nos. 41 and 42 (United Nations publication, Sales No. E.93.IV.4).

[2]Department of Technical Cooperation for Development and Centre for Social Development and Humanitarian Affairs, *Corruption in Government: Report of an Interregional Seminar*, The Hague, Netherlands, 11-15 December 1989 (TCD/SEM.90/2).

[3]*Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August-7 September 1990* (United Nations publication, Sales No. E.91.IV.2), chap. I, sect. C.

[4]See P. Arlacchi, "Political corruption and organized crime in contemporary Italy", *The Collected Works of the Seventh International Anti-Corruption Conference* (Beijing, Hong Qi Publishing House, 1996), p. 243.

[5]Council of Europe document (GMC (96) 81).

[6]R. Klitgaard, "Roles for international organizations in the fight against corruption", paper presented at the XIIIth International Congress on Social Defence, held at Lecce, Italy, from 28 to 30 November 1996.